

PROJECT



NORTHLAND

CLASS ACTION

A HIGH SCHOOL ALCOHOL-USE PREVENTION CURRICULUM
SECOND EDITION

Case 6: Hunt v. Wilson
School Alcohol Policies on Trial

Handouts: Step Assignment Sheet

Who's Who

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- Step 3: Present Evidence of Damages
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Transcript of Defense Attorney's Argument

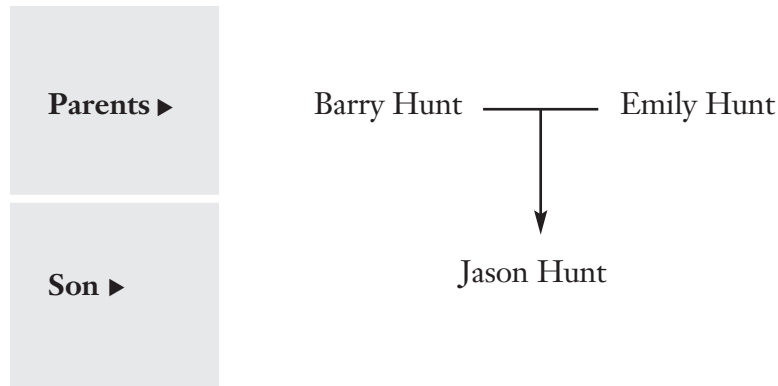
Step Assignment Sheet

Team: _____

Steps for Building Your Case	Team Member Assignment
STEP 1 Explain the responsibility of Coach Wilson.	
STEP 2 Explain how Coach Wilson failed to meet his responsibility.	
STEP 3 Explain the damages suffered by the Hunts.	
STEP 4 Prove that the damages suffered by the Hunts were caused by the failure of Coach Wilson to meet his responsibility.	
STEP 5 Conduct an interview with a high school coach or athletic director to add to the evidence.	
STEP 6 Respond to the arguments from Coach Wilson's attorney.	
BEFORE THE JURY VOTES Answer questions from the jury/class.	<i>All team members</i>

Who's Who

The following list shows the key individuals in your case.



Carrie Edens:

Jason's girlfriend

Lisa Kent:

Reported to Coach Wilson that Jason was drinking at Carrie's party

Coach James Wilson:

Football coach who neglected to follow up on warning signs that Jason was drinking before practices and games

Prep Sheet 1: Responsibilities Neglected

Team: _____

What happened?	Coach Wilson acted irresponsibly by . . .	Coach Wilson should have . . .
Lisa Kent told Coach Wilson about concerns that Jason's drinking was becoming serious.		
Coach Wilson decided not to punish Jason for violating school policies by drinking.		
Coach Wilson thought he smelled alcohol on Jason's breath at practice.		
Jason became injured in the homecoming game.		

Prep Sheet 2: Causes and Effects

Team: _____

What happened?	How was Jason affected?
Coach Wilson did not suspend Jason from play after Lisa's report.	
Coach Wilson did not do anything about the rumors that Jason was drinking.	
Coach Wilson did not do anything when he smelled alcohol on Jason's breath at practice.	

Case 6: *Hunt v. Wilson*
Prep Sheet 3: Relevant Facts

Team: _____

Summary of Relevant Facts	Sources

Step 1: Prove Responsibility (Duty)

Strategy Sheet

Team Member(s): _____

Responsibility, or “duty,” as it is called in legal terms, involves acting in a way that would prevent someone from foreseeable harm. It is important to show that the harm or injury should have been anticipated or foreseen by the responsible party.

In the case of *Hunt v. Wilson*, you must demonstrate

- a. What responsibility Coach Wilson had to Jason to follow up on reports that Jason was drinking
- b. What responsibility Coach Wilson had to Jason’s parents to inform them of these concerns
- c. What responsibility Coach Wilson had regarding Jason’s personal safety
- d. What responsibility Coach Wilson had to Jason and the rest of the team to determine Jason’s condition prior to the game

Team members working on step 1 will have five minutes to present the opening argument. What you say will be important because everyone else will refer to your arguments and build on them. Read through the facts of the case again, including the affidavits and depositions. Fill in any more facts that you discover on your prep sheets.

Strategy Steps: Preparing for the Class Presentation

1. Begin by stating what you are going to prove in the next five minutes. This is your ***opening statement***. Write down what you will say. Be sure to emphasize the responsibility that Coach Wilson had to Jason Hunt and his parents.
2. Back up your opening statement with facts from the case, including the affidavits and depositions. You may quote the affidavits and depositions by reading them aloud or by playing the audio recording. *Write out the facts you will present and what you will say to present them.*

3. Examine the Relevant Laws File in the casebook. Do these laws apply to your case? How can you use them to support your argument? *Write out how the **relevant laws** apply (or do not apply) to your case.*
4. Examine the Case Law File in the casebook. How can you show the jury that your arguments are similar to arguments used in these other cases? Which points made in these successful cases support the points you are making in your case? *Write out which points in your case are supported by specific arguments in **case law**.*
5. Back up your arguments with more information from the Info File. You can collect facts and opinions from experts, along with information about happenings in the community that are relevant to your case. You might use this information to show what is reasonable for people like Coach Wilson to know about underage drinking and the steps that should be taken when a problem is foreseeable. *Write out the **additional information** you will present.*
6. At the end of your five minutes, summarize your presentation by restating what you set out to prove and emphasizing how you proved it. *Write your **summary**.*

The written statement that you prepare will need at least six paragraphs, one (or more) to address each of the six parts outlined above. You need about five typed (or twelve to fifteen handwritten) pages for a five-minute presentation. Practice reading your statement aloud to make sure that it is the appropriate length. The more you practice, the more smoothly you will be able to present. This will help you to be dramatic and convincing when you present to the jury in class.

Important

Review your arguments and brainstorm counterarguments that Coach Wilson's attorney might make for each point. Prepare to answer these counterarguments with evidence. *Write your **counterarguments**.*

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Step 2: Prove That Responsibility Was Not Met (Breach of Duty)

Strategy Sheet

Team Member(s): _____

You will prove that there was a breach of duty in the case of *Hunt v. Wilson*. An important part of breach of duty concerns doing what is reasonable to prevent someone from foreseeable harm. You must show that, given the responsibility Coach Wilson had to Jason Hunt and his parents, the coach was guilty of failing to meet that responsibility. You must show that a reasonable person would have taken steps to determine if Jason was using alcohol and, if so, would have prevented him from playing in the game.

Team members working on step 2 will have five minutes to convince the jury that Coach Wilson failed to meet his responsibility to Jason Hunt and his parents. It is important to show (a) that a reasonable adult could anticipate or foresee the harm that occurred and (b) what reasonable action an adult could have taken to prevent that harm.

Your presentation will have to build on the responsibility that Coach Wilson had to Jason Hunt and his parents, which your team member(s) presented in step 1. It is important that you meet with this person so you know what he or she will be saying.

Read through the facts of the case again, including the affidavits and depositions. Fill in any more facts that you discover on your prep sheets.

Strategy Steps: Preparing for the Class Presentation

1. Begin by stating what you are going to prove in the next five minutes. This is your ***opening statement***. Write down what you will say.
Be sure to emphasize (a) how Coach Wilson failed to meet his responsibility to Jason Hunt and his parents, and (b) that he should have foreseen that the alcohol could affect Jason in negative ways.
2. Back up your opening statement with facts from the case, including the affidavits and depositions. You may quote the affidavits and depositions

by reading them aloud or by playing the audio recording. *Write out the facts you will present and what you will say to present them.*

3. Examine the Relevant Laws File in the casebook. Do these laws apply to your case? How can you use them to support your argument? *Write out how the **relevant laws** apply (or do not apply) to your case.*
4. Examine the Case Law File in the casebook. How can you show the jury that your arguments are similar to arguments used in these other cases? Which points made in these successful cases support the points you are making in your case? *Write out which points in your case are supported by specific arguments in **case law**.*
5. Back up your arguments with more information from the Info File. You can collect facts and opinions from experts, along with information about happenings in the community that are relevant to your case. You might use this information to show what is reasonable for people like Coach Wilson to know about underage drinking and the steps that should be taken when a problem is foreseeable. *Write out the **additional information** you will present.*
6. At the end of your five minutes, summarize your presentation by restating what you set out to prove and emphasizing how you proved it. *Write your **summary**.*

The written statement that you prepare will need at least six paragraphs, one (or more) to address each of the six parts outlined above. You need about five typed (or twelve to fifteen handwritten) pages for a five-minute presentation. Practice reading your statement aloud to make sure that it is the appropriate length. The more you practice, the more smoothly you will be able to present. This will help you to be dramatic and convincing when you present to the jury in class.

Important

Review your arguments and brainstorm counterarguments that Coach Wilson's attorney might make for each point. Prepare to answer these counterarguments with evidence. *Write your **counterarguments**.*

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Step 3: Present Evidence of Damages

Strategy Sheet

Team Member(s): _____

To prove that a person or persons are negligent, you must show that some damage occurred. You will present damages in the case of *Hunt v. Wilson*. Think of all the ways that Jason and his parents may have been damaged, including physical, emotional, and economic injury.

Team members working on step 3 will have five minutes to convince the jury of the damages that occurred. Consider these types of damages or injuries:

- Jason's knee injury
- possible loss of Jason's football scholarship
- damage to Jason's future football career
- Jason's problem with alcohol, which may have gotten worse during the time that Coach Wilson did nothing about it
- financial cost of Jason's medical treatment for the knee injury

Read through the facts of the case again, including the affidavits and depositions. Fill in any more facts that you discover on your prep sheets.

Strategy Steps: Preparing for the Class Presentation

1. Begin by stating what you are going to prove in the next five minutes. This is your **opening statement**. Write down what you will say. Be sure to emphasize how much Jason and his parents have suffered emotionally, physically, and economically.
2. Back up your opening statement with facts from the case, including the affidavits and depositions. You may quote the affidavits and depositions by reading them aloud or by playing the audio recording. *Write out the facts you will present and what you will say to present them.*
3. Examine the Relevant Laws File in the casebook. Do these laws apply to your case? How can you use them to support your argument? *Write out how the relevant laws apply (or do not apply) to your case.*

4. Examine the Case Law File in your casebook. How can you show the jury that your arguments are similar to arguments used in these other cases? Which points made in these successful cases support the points you are making in your case? *Write out which points in your case are supported by specific arguments in case law.*
5. Back up your arguments with more information from the Info File. You can collect facts and opinions from experts, along with information about happenings in the community that are relevant to your case. You might use this information to show what is reasonable for people like Coach Wilson to know about underage drinking and the steps that should be taken when a problem is foreseeable. *Write out the additional information you will present.*
6. At the end of your five minutes, summarize your presentation by restating what you set out to prove and emphasizing how you proved it. *Write your summary.*

The written statement that you prepare will need at least six paragraphs, one (or more) to address each of the six parts outlined above. You need about five typed (or twelve to fifteen handwritten) pages for a five-minute presentation. Practice reading your statement aloud to make sure that it is the appropriate length. The more you practice, the more smoothly you will be able to present. This will help you to be dramatic and convincing when you present to the jury in class.

Important

Review your arguments and brainstorm counterarguments that Coach Wilson's attorney might make for each point. Prepare to answer these counterarguments with evidence. *Write your counterarguments.*

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Step 4: Prove That Irresponsibility Caused Damages (Causation)

Strategy Sheet

Team Member(s): _____

You will present causation in the case of *Hunt v. Wilson*. You must prove that the damages to Jason and his parents were *caused by* the actions (or lack of actions) of Coach Wilson.

Team members working on step 4 will have five minutes to convince the jury that Coach Wilson's failure to act reasonably helped cause the damages to the Hunts. Remember that part of proving negligence is proving that it would be reasonable for Coach Wilson to be aware of the negative effects of underage drinking.

Your presentation must build on the physical, emotional, and economic damages described by your teammates. It is important to talk to the other members of your legal team when putting your presentation together. You must know what points will be emphasized in all the different parts, so that you can bring all the links in this chain of events together.

Read through the facts of the case again, including the affidavits and depositions. Fill in any more facts that you discover on your prep sheets.

Strategy Steps: Preparing for the Class Presentation

1. Begin by stating what you are going to prove in the next five minutes. This is your ***opening statement***. Write down what you will say. Your statement should emphasize how Coach Wilson's actions caused the damages to the Hunts.
2. Back up your opening statement with facts from the case, including the affidavits and depositions. You may quote the affidavits and depositions by reading them aloud or by playing the audio recording. *Write out the facts you will present and what you will say to present them.*

3. Examine the Relevant Laws File in the casebook. Do these laws apply to your case? How can you use them to support your argument? *Write out how the **relevant laws** apply (or do not apply) to your case.*
4. Examine the Case Law File in the casebook. How can you show the jury that your arguments are similar to arguments used in these other cases? Which points made in these successful cases support the points you are making in your case? *Write out which points in your case are supported by specific arguments in **case law**.*
5. Back up your arguments with more information from the Info File. You can collect facts and opinions from experts, along with information about happenings in the community that are relevant to your case. You might use this information to show what is reasonable for people like Coach Wilson to know about underage drinking and the steps that should be taken when a problem is foreseeable. *Write out the **additional information** you will present.*
6. At the end of your five minutes, summarize your presentation by restating what you set out to prove and emphasizing how you proved it. *Write your **summary**.*

The written statement that you prepare will need at least six paragraphs, one (or more) to address each of the six parts outlined above. You need about five typed (or twelve to fifteen handwritten) pages for a five-minute presentation. Practice reading your statement aloud to make sure that it is the appropriate length. The more you practice, the more smoothly you will be able to present. This will help you to be dramatic and convincing when you present to the jury in class.

Important

Review your arguments and brainstorm counterarguments that Coach Wilson's attorney might make for each point. Prepare to answer these counterarguments with evidence. *Write your **counterarguments**.*

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Step 5: Present Expert Testimony (Supporting Causation)

Strategy Sheet

Team Member(s): _____

You will present expert testimony to support causation in the case of *Hunt v. Wilson*. As part of the causation section of the presentation, it will be important to show that Coach Wilson's decision not to investigate Lisa's report or take other reasonable steps to protect Jason's safety was irresponsible. To do this, you will need to present some facts by using the Info File in your casebook and by conducting an *interview with an expert witness*, such as a high school coach or athletic director. By interviewing a coach or athletic director, you will be able to use the expert testimony to convince the jury that Jason's injury was directly related to playing football under the influence of alcohol.

Team members working on step 5 will have five minutes to use expert testimony to convince the jury that Coach Wilson's irresponsibility caused the damage that was done to Jason and his parents.

Your presentation is actually part of the causation argument, so it will be important for you to meet with the person who is responsible for step 4. Or, you could work together with this person and both do the interview and share the work for steps 4 and 5.

Prepare for the Interview

1. Contact a coach or the athletic director from your high school to set up your interview.

Name of facility: _____

Phone number of facility: _____

- Say who you are, the name of your school, and why you are calling.
- Describe the case and the argument you are preparing.

- Explain that you want to interview a high school coach or athletic director for about fifteen minutes.
- Ask permission to record the interview.
- Arrange a time to conduct the interview in person or by phone; otherwise, arrange to send your interview questions by e-mail.
- Write down the details of your interview appointment:

Name: _____
Job title: _____
Location: _____
Date and time of interview: _____
Other important details: _____

2. Consider the information you want from this witness, and think about what to ask. (Remember, you are trying to prove that Coach Wilson acted irresponsibly regarding Jason's drinking.)
3. Write out the questions you will ask this witness. *Sometimes it works best to write each question at the top of a separate sheet of paper, leaving plenty of space below for answers.*
See suggested interview questions on the next page.
4. If you will record the interview, prepare equipment for recording.

Suggested Interview Questions

- How should coaches handle situations in which they hear from another student that a player was drinking alcohol?
- Who would be considered a reliable source of this type of information?
- What should a responsible coach do if he or she suspects a player is drinking but has no proof?
- Do you think it is common for coaches to bend the rules when they find out that a good player has been drinking?

Add your own questions, too.

Conduct the Interview

- Make sure you have your questions, plenty of paper for taking notes, a few pencils, and any recording equipment needed.
- Be on time.
- Be sure to write notes about the details of what the person says. Don't be afraid to ask the person to repeat something.
- Ask follow-up questions to get details and to be sure that you understand the answers.
- Be sure to thank the person for his or her time and information.

Strategy Steps: Preparing for the Class Presentation

Review the facts of the case, including the affidavits and depositions. Fill in any more facts that you discover on your prep sheets. Your presentation must show that Coach Wilson had a responsibility to Jason that he failed to meet. Using the facts of the case and expert testimony will help convince the jury.

1. Begin by stating what you are going to prove in the next five minutes. This is your opening statement. Your statement must emphasize how Coach Wilson acted irresponsibly and should have made a better decision regarding Jason's drinking and his safety. *Write your opening statement.*

2. Review the results of your interview. *Write out the **statements from the expert** that you will present.*
3. Back up your arguments with more information from the Info File. You can collect facts and opinions from experts, along with information about happenings in the community relevant to your case. You might use this information to show what is reasonable for people like Coach Wilson to know about underage drinking and the steps that should be taken when a problem is foreseeable. *Write out the **additional information** you will present.*
4. At the end of your five minutes, summarize your presentation by restating what you set out to prove and emphasizing how you proved it. *Write your **summary**.*

The written statement that you prepare will need at least four paragraphs, one (or more) to address each of the four parts outlined above. You need about five typed (or twelve to fifteen handwritten) pages for a five-minute presentation. Practice reading your statement aloud to make sure that it is the appropriate length. The more you practice, the more smoothly you will be able to present. This will help you to be dramatic and convincing when you present to the jury in class.

Important

Review your arguments and brainstorm counterarguments that Coach Wilson's attorney might make for each point. Prepare to answer these counterarguments with evidence. *Write your **counterarguments**.*

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Step 6: Rebuttal

Strategy Sheet

Team Member(s): _____

You will write and present your rebuttal in the case of *Hunt v. Wilson*. Your job is to respond to the points raised by Coach Wilson's lawyer. To prepare your rebuttal, you will need to listen to the audio recording of Coach Wilson's lawyer presenting the closing argument. You can get this recording from your teacher. *You are the only member of your team who will be allowed to listen to this recording before the trial.* Your teacher will also give you a printed copy of the defense statement so you can follow along.

After your legal team has made its presentation (steps 1 through 5), the recording of Coach Wilson's lawyer defending him will be played for the class.

Team members working on step 6 will have five minutes to make your team's final argument and convince the jury that Coach Wilson was negligent. It is important to make a strong argument that leaves a lasting impression on the jury.

Strategy Steps: Preparing for the Class Presentation

Listen to the recording of the defense argument and write down the main points made by Coach Wilson's attorney. Plan and write counterarguments for these points. When you write your rebuttal, remember that your job is to ***respond directly to the defense attorney***; you are not to summarize your team's entire argument. You may review notes from the team's other five steps, but your argument must address only points raised by Coach Wilson's attorney.

1. In the ***opening statement*** of your counterargument, explain how you disagree with Coach Wilson's attorney. Clearly summarize the main points made by the defense, and state that you will prove these points false.
2. Back up your opening statement with ***facts*** from the case, including the ***affidavits*** and ***depositions***. Use this information to dispute the defense attorney's main points.

3. Summarize the *relevant laws* that apply to your case, and use this information to dispute the defense attorney's main points.
4. Summarize the *expert testimony* and *key evidence* from the Info File. Use this information to dispute the defense attorney's main points.
5. At the end of your five minutes, *summarize your rebuttal* by restating what you set out to prove and emphasizing how you proved it.

The written statement that you prepare will need at least five paragraphs, one (or more) to address each of the five parts outlined above. You need about five typed (or twelve to fifteen handwritten) pages for a five-minute presentation. Practice reading your statement aloud to make sure that it is the appropriate length. The more you practice, the more smoothly you will be able to present. This will help you to be dramatic and convincing when you present to the jury in class.

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Transcript of Defense Attorney's Argument

Below is a verbatim transcript of the defense attorney's argument found on the audio CD for this case. The audio CDs are first used by the students assigned to do the rebuttals for each of the cases. The whole class should listen to the audio CDs during the classroom presentations (prior to the rebuttal). Please note that the transcript below and the transcripts for the other cases are of spoken, not written, language and may include stutters, stammers, and incomplete sentences for dramatic effect.

Case 6: *Hunt v. Wilson* School Alcohol Policies on Trial

Ladies and gentlemen of the jury, I represent an esteemed member of our community, Coach Jim Wilson. Ladies and gentlemen, all parents have dreams for their children, and all children have dreams about their own future. We all have hopes, aspirations, and dreams, but when something terrible happens that may ruin our chances of seeing our dream come to life, we get angry, and many times we blame other people for our broken dreams rather than the people who are responsible: ourselves. This is why you are here today. The people truly at fault for this tragedy are attempting to blame Mr. Wilson for their shattered dreams.

In order to find Coach Wilson at fault, you must be convinced by the Hunts of four things: First, that Mr. Wilson had a duty to Jason Hunt, and that Coach Wilson failed to meet that duty, and that it was because Mr. Wilson supposedly breached this duty that Jason was injured. And finally, that Jason was injured in a way that could be compensated.

Now, did Coach Wilson have a duty to Jason Hunt? The answer is an obvious yes. Coach Wilson had a duty to reasonably ensure that Jason was properly equipped, that Jason was properly trained, and that Jason followed the rules. Did Coach Wilson fail to live up to these duties? The answer is no. There were two times when Coach Wilson had reason to suspect that Jason had been drinking. When Lisa came and told him that Jason had been drinking in a car, outside of a party, did the coach do nothing? Did the coach not believe her? No. He called Jason out of class and asked him point-blank if Jason had been drinking. Jason convincingly said no. Now the coach had to decide whether to punish Jason for

something Jason denied he did. The coach decided that the word of one student didn't override the word of another student, Jason, who he knew and who he trusted.

Everyone knew that Jason was a good kid. Why would they suspect he had a drinking problem? Now, what did the coach do next? Did he ignore Jason? No, he paid even more attention to him. When the coach thought that he might have smelled alcohol on Jason's breath, he focused on him particularly. He watched him in practice, but he saw no signs that Jason had been drinking. The coach kept up his end of the bargain. Coach Wilson even kept his eye out for a particular sign of trouble. Other people, however, were not so diligent. Jason breached his duty to himself by drinking and then to his coach by lying. Carrie breached her duty by not telling Jason to get help when she saw that he had a problem. And the people with the greatest duty to Jason, his parents, should have known that something was wrong. These are the people, including Jason, that let Jason down, not Coach Wilson.

Now, let's suppose for just a minute that we believe the coach actually breached his duty to Jason. Is this what caused Jason's injury? No. Jason is the one who drank before the game. Is it Coach Wilson's fault that Jason was injured? No. Football is a dangerous game, ladies and gentlemen. Professional players with the best training and the best equipment in the world get career-ending injuries. Joe Theisman broke his leg on Monday night television. Dennis Berg crushed his neck and was nearly paralyzed for life. These things happen to many who play the game, and regrettably an injury happened to Jason. But that was not Coach Wilson's fault. Coach Wilson kept up his end of the bargain. Jason's friends, Jason's family, and, most importantly, Jason himself are the ones who let Jason down.

Thank you.

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